

A Regular Meeting of the Marilla Town Board was held February 12, 2004 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

John R. Foss, Supervisor
Barbara Spanitz, Councilman
Fred Specht, Councilman
George Gertz, Councilman
Warren Handley, Councilman

Supervisor Foss called the meeting to order and the Pledge of Allegiance to the Flag was given.

Communications

None

Committee Reports

Highway Superintendent Dave Pierce reported that the water damage at the Community Center was covered by Insurance and the problem seems to be fixed. He also reported that the wall between the Code Enforcement Office and the Assessors was removed and renovations are complete.

Councilman Handley reported that he had met with Carla Miley to discuss Memorial Day, the parade will begin at 11:00 am on May 31st. He also responded to the concerns of the CAB Board about the article in the Alden Advertiser the week of February 19th. They felt there were several errors about the PACE Program in the article that needed correcting such as the following with their response; **1.** "purchasing of prime farmland" Marilla does not own one arce of land-only the developmental rights, **2.** "Mr. Foss plans to release a mid year report on the PACE program which he and Councilman Warren Handley head." No mention was made of the past and ongoing efforts of the CAB with regard to the PACE program. **3.** "If a farmer who sells his rights, chooses not to farm anymore, and cannot sell the land to another farmer, he must let it remain fallow." A landowner involved in the PACE program does not have to be a farmer or even actively farm the land. He wanted to add that the CAB has spent valuable time in meetings and research to gain information relevant to the PACE program and the CAB's input and contributions are important to the success of the PACE program.

Supervisor Foss reported that the year end report for 2003 is done and filed with the State and will be on file in the Town Clerk's Office this coming week. Also the BAN that we do each spring is coming due, this year it will be in the amount of \$2,055,000 which will be bid on March 30th and opened at 11:00 am.

Open Board Presentations From the Public

None

Old Business

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve Minutes from the Public Hearings held on 2/12/04 and the Regular Meetings held on 2/12/04. Motion Carried.

New Business

Motion: Councilman Gertz moved, seconded by Councilman Handley to authorize the use of fireworks by the Marilla Firemen's Benevolent Association on July 31, 2004. Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to authorize the Supervisor to attend Syracuse University for a Conference at a cost of \$175 on March 30th thru April 1st. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Handley to adopt the following resolutions:

WHEREAS, Elma, Marilla, Wales Sports, Inc. provides services for the benefit of the residents of the Town of Marilla; and

WHEREAS, the Town of Marilla has made provision in the 2004 budget in support of such organization.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Town Board does hereby approve the proposed agreement with Elma, Marilla, Wales Sports, Inc. with an annual payment of \$3,300 for the year 2004, a copy of which agreement is annexed hereto.
2. That the Supervisor is hereby authorized to execute such agreement on behalf of the Town of Marilla.
3. This resolution shall take effect immediately.

Motion Carried.

WHEREAS, the Boys and Girls Club of Elma, Marilla, Wales, Inc. provides services for the benefit of the residents of the Town of Marilla; and

WHEREAS, the Town of Marilla has made provision in the 2004 budget in support of such organization.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Town Board does hereby approve the proposed agreement with The Boys and Girls Club of Elma, Marilla, Wales, Inc. with an annual payment of \$3,500 for the year 2004, a copy of which agreement is annexed hereto.
2. That the Supervisor is hereby authorized to execute such agreement on behalf of the Town of Marilla.
3. This resolution shall take effect immediately.

Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Handley to sign the Negative Declaration of proposed Golf Course "Mystic Pines" for the State Environmental Quality Review Act as follows:

WHEREAS, the Town Board of the Town of Marilla has received an application for the construction of Mystic Pines golf course which approval will, among other things, require site plan approval and approval of a special use permit for a golf course; and

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 9 (State Environmental Quality Review Act-SEQRA) of the Environmental Conservation Law, the Marilla Town Board has reviewed the proposed Mystic Pines Golf Course project; and

WHEREAS, the Town Board of the Town of Marilla has determined it is duly qualified to act as lead agency with respect to compliance with SEQRA which requires environmental review of certain actions undertaken by local governments; and

WHEREAS, pursuant to Resolution adopted on December 30, 2003, the Town Board determined that the proposed action was a Type I Action under SEQRA and that it was the agency with the broadest governmental powers for investigating the impact of the proposed action and the greatest capacity for providing the most thorough environmental assessment of the proposed action and the most local agent with

permitting authority, and pursuant to such resolution the Town of Marilla has undertaken to conduct a coordinated review; and

WHEREAS, all the involved agencies required to be notified under SEQRA have been notified and has received responses from most of the agencies notified and no agency has contested the determination of the Town of Marilla to act as lead agency, but responses have identified areas of concern that must be addressed by the Town of Marilla; and

WHEREAS, the Town of Marilla has determined that the proposed project will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public, and is consistent with social and economic considerations

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Marilla, after considering the action proposed herein, in reviewing the Environmental Assessment Form, reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the SEQRA Regulations and thoroughly analyzing the project with respect to potential environmental concerns, determines that the action will not have a significant effect on the environment for the reasons set forth in the attached Negative Declaration.

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized and directed to complete and execute the Part III of the said Environmental Assessment Form and to check the box thereon indicating that the proposed action will not result in any significant adverse impacts; and be it further

RESOLVED, that the annexed Negative Declaration is hereby approved and the Town Clerk is hereby authorized and directed to make the appropriate filings in accordance with the provisions of the General Regulations of the Department of Environmental Conservation.

Roll Call Vote:

Councilman Spanitz – aye

Councilman Gertz – aye

Councilman Specht – aye

Councilman Handley – aye

Supervisor Foss - aye

Motion Carried.

Motion: Councilman Gertz moved, seconded by Councilman Spanitz to approve the following resolution for site plan for Mystic Pines Golf Course:

WHEREAS, the Town of Marilla has received a proposed site plan from Dan Handy for the construction of the Mystic Pines Golf Course on property located along the North side of Stolle Road, north to sections along Bullis Road; and

WHEREAS, the Town Planning Board has duly reviewed the proposed site plan and recommended approval; and

WHEREAS, notice was properly provided to Erie County Department of Environment and Planning which made comments but has not objected to the proposed site plan; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 of the SEQR the Town of Marilla has determined that the proposed action is a Type I Action under SEQR, has notified involved agencies of its determination to assume the role of Lead Agency under SEQR, who have concurred with such designation and has conducted a coordinated review receiving comments from involved agencies; and

WHEREAS, the Town Board after due deliberation by resolution adopted on March 11, 2004 has adopted a resolution making a Negative Declaration and after due consideration finds it in the best interest of the Town to approve the proposed site plan, subject to the conditions hereinafter set forth,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF MARILLA AS FOLLOWS:

Section 1. That the Town Board does hereby approve the site plan submitted in November, 2003, as amended, prepared by Parrone Engineering on behalf of Dan Handy subject to the following conditions.

a. Final approval by the Town Engineer.

b. All construction must be in accordance with the design standards contained in Marilla Code Section 210-67 and in accordance with site plan, as submitted and approved. Any modifications to the approved site plan must go back to the Town Board for approval.

c. Construction shall be monitored by the Town Engineer and Town Building Department who shall conduct inspections, as required, during such construction with the costs of such monitoring and inspections to be borne by the applicant in accordance with the Town of Marilla's approved fee schedule.

d. Applicant shall pay the required special permit fee, all building permit fees, site plan review fees also in accordance with the Town of Marilla's approved fee schedule.

e. The approval of the special use permit shall be valid for one year unless construction has commenced during such one year period, in which case as long as construction continues the authorization shall be extended. Should construction not commence within one year or if construction commences within one year and then is discontinued, except for weather related delays, the applicant, at the Town Board's sole discretion, may be required to go back to the Town Board for reauthorization.

Section 2. This resolution shall take effect immediately.

Roll Call Vote:

Councilman Spanitz – aye

Councilman Gertz – aye

Councilman Specht – aye

Councilman Handley – aye

Supervisor Foss - aye

Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to approve the following Resolution for the Mystic Pines Special Use Permit:

WHEREAS, Dan Handy has applied for a special use permit for the construction and operation of the Mystic Pines Golf Course to be located in the A-Agricultural District; and

WHEREAS, Dan Handy has also applied for site plan approval for the construction of Mystic Pines Golf Course, which has been reviewed and approved by the Town Planning Board and the Town Board; and

WHEREAS, the Town Board has considered the potential impacts of the operation of a golf course and found that all concerns have been adequately addressed as part of the site plan approval process.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD

1. That the Town Board does hereby approve the granting of the

special use permit for the operation of the Mystic Pines Golf Course in the A-Agricultural Zoning District.

2. That such permit shall specify that the use be limited to the operation of a golf course and related uses.
3. This special permit shall be conditional upon compliance with the requirements set forth site plan and any conditions specified by the Marilla Planning Board as conditions of approval.
4. This resolution shall take effect immediately.

Roll Call Vote:

Councilman Spanitz – aye

Councilman Gertz – aye

Councilman Specht – aye

Councilman Handley – aye

Supervisor Foss - aye

Motion Carried.

Motion: Councilman Handley moved, seconded by Councilman Spanitz to support New York State Senate Bill S.5870 and New York State Assembly Bill A.9827 to ensure that single family residences such as patio homes will be assessed in the same manner as all other residential property.

Roll Call Vote:

Councilman Spanitz – aye

Councilman Gertz – aye

Councilman Specht – aye

Councilman Handley – aye

Supervisor Foss - aye

Motion Carried.

Report of Town Officials

Town Engineer Mike Smith from Nussbaumer and Clarke's Office reported that the final package to Rural Development for funding for Water District V is ready to go out they are just waiting on the proof of publication of the estoppels notice for the Bond.

Building Inspector John Fronczek submitted a written report with 0 building applications received totaling fees of \$ 0, 0 building permits issued with a value of \$0, 9 inspections were made, and 0 complaints were acted on. A total of 68 acts of official business were made for the month of February. Units in the Trailer Parks were counted and the information given to the Town Clerk.

Town Assessor Earl Dabb wanted to thank Dave Pierce for the work done on removing the wall, it looks nice and open now. The exemption renewal forms are out and are due back by May 1st.

Planning Board minutes were received and posted, Member Judy Gillman reported that the next meeting will be held on 3/18/04 at 7:30 pm.

Conservation Advisory Board minutes have been received and posted.

Marilla Fire Company representative Lenny Blizniak stated that the Fire Company will host a chicken barbeque on March 28th. He also reported that the ambulance will be out of service for two months while it is having warranty work done. The Town will be covered under the mutual aid program with the surrounding towns.

Town Historian Hubert Kutter reported that they had over 100 visitors from Brownie Troops and their parents thru the Museum. He thanked Mary Beth Serafin and Mike Petrinec for guiding the kids and the preparation for their visit. He also thanked Dave Pierce for supplying a man to clean the Museum once a month.

Open Board Presentations

Councilman Specht commented on how well organized the Antique Car Show for the Sesquicentennial is, he stated it will be held on August 1st with only three hundred applicants allowed, so register early.

Councilman Gertz reported that there had been some concern that the dynamite storage facility had been reactivated, he stated that there is no dynamite and it is secure and empty.

Supervisor Foss stated that the next Sesquicentennial meeting for the executive committee will be next Monday night and for the general committee the following week.

Dan Handy stated that for the past year out of all the agencies that he has dealt with for the Golf Course, the Town has been a pleasure to work with and he wanted to thank them for helping him along.

Rick Snyder from Eldridge Road was curious about the petition from Elma Town Board and residents requesting the construction vehicles not to use Stolle Road from the Elma line but to come thru Marilla, he felt this would be more dangerous on Eldridge Road with the 55 mph speed limit.

Supervisor Foss stated that next month the Town Board will take a look at a speed reduction on Eldridge Road. He stated we don't have to abide by their request but we will try to be good neighbors.

Resident Judy Gillman asked Mr. Blizniak from the Fire Company why they weren't offered a loaner while the ambulance is having work done?

Mr. Blizniak responded that they still have a rescue vehicle they just won't be transporting residents to the hospital. They didn't have a choice with the warranty work as it is governed by state regulations of what they can and can't do.

Rick Snyder asked the time frame for the speed reduction on Eldridge if the Town Board requests it next month?

Supervisor Foss responded about 2-3 months.

Barb Hazle from Town Line Road asked if residents would be billed for the mutual aid transportation while our ambulance is out?

Mr. Blizniak stated they would not be billed, it would be free.

All claims have been previously reviewed by Councilman Handley and Councilman Gertz.

Motion: Councilman Gertz moved, seconded by Councilman Handley to approve the claims as follows:

General Fund Claims, Vouchers 69-118	\$ 14,742.71
Highway Fund Claims, Vouchers 34-52	\$ 34,110.29
Special Districts	
Sanitation (SR), Vouchers 16-24	\$ 6,298.54
Special Fire, Voucher 2	\$ 2,000.00
Water District #2, Vouchers 3-6	\$ 2,588.44
Water District #3, Voucher 2	\$ 1,306.94
Water District #4, Voucher 2	\$ 789.34
Community Development PACE	\$.00
Community Develop. HUD	\$.00

Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Specht to adjourn the meeting at 8:10 p.m. Motion Carried.

Respectfully Submitted,

_____	Town Clerk	_____	Supervisor
_____	Councilman	_____	Councilman
_____	Councilman	_____	Councilman